ESTTA Tracking number:

ESTTA285817 05/26/2009

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183722		
Party	Defendant Eighty-Eight, LLC		
Correspondence Address	NICHELLE NICHOLES LEVY ROBINSON BRADSHAW & HINSON 101 NORTH TRYON STREET, Ste 1900 CHARLOTTE, NC 28246 UNITED STATES rcameron@rbh.com		
Submission	Motion to Amend Application		
Filer's Name	Robert H. Cameron		
Filer's e-mail	rcameron@rbh.com		
Signature	/robert h cameron/		
Date	05/26/2009		
Attachments	The 88 Motion - wo consent.pdf (2 pages)(71637 bytes)		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of: Date of filing: Mark:	March 7, 2006 88 (Stylized)	50	
88 Tees Hawaii, In	c.		
Opposer,)	Opposition No. 91183722
v.))	Pr
Eighty-Eight, LLC)	
Арр	licant.)	

Commissioner for Trademarks P.O. Box 1453 Alexandria, VA 22313-1451

APPLICANT'S MOTION TO REQUEST AMENDMENT OF APPLICATION

Pursuant to Trademark Rule 2.133 (37 C.F.R. § 2.133), Eighty-Eight, LLC ("Eighty-Eight"), by and through its undersigned counsel, hereby respectfully requests that Application Serial No. 78/830,750 ("the Application") be amended. Eighty-Eight requests that the original identification of goods and services in International Classes 9 and 41 in the Application be deleted in their entirety and the following identification of goods and services be substituted therefor:

--audio, video, computer and laser discs featuring sports; pre-recorded audio and video cassettes, pre-recorded audio and video tapes, pre-recorded compact discs, and pre-recorded computer discs featuring sports; computer accessories, namely computer mice, computer mouse pads, computer disc cases, computer carrying cases and keyboard wrist pads for computer users; computer software for storing, receiving, retrieving, displaying, analyzing and processing information, data, statistics and trivia relating to sports; computer software for use as a screen saver featuring sports; video game computer software; video game cartridges; video game machines for use with a television; radios; telephones; walkie-

talkies; binoculars; sunglasses; eyeglass cases; decorative magnets; cellular telephone carrying cases in International Class 09;

entertainment services in the nature of participating in professional automobile races and auto racing exhibitions; entertainment services in the nature of baseball games and related exhibitions; entertainment in the nature of visual and audio performances, and variety, news and comedy shows in International Class 41--

The above-captioned proceeding relates only to International Class 025 in the Application; accordingly, the consent of Opposer is believed to be unnecessary to the disposition of this motion.

Respectfully submitted,

ROBINSON, BRADSHAW & HINSON, P.A.

By:

Robert H. Cameron, Esq.

101 N. Tryon Street, Suite 1900

Charlotte, North Carolina 28246

(704) 377-2536

Attorney for Eighty-Eight, LLC

Email: rcameron@rbh.com

Dated: May 26, 2009